

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the provisions of Freedom of Information Act, the Board convened a virtual meeting to consider such regulatory and business matters as presented on the agenda necessary for the board to discharge its lawful purposes, duties and responsibilities.

PRESIDING OFFICER: Dolores Paulson, Ph.D., L.C.S.W., Chair

BOARD MEMBERS PRESENT: Canek Aguirre, Citizen Member
Angelia Allen, Citizen Member (*joined the virtual meeting at 10:50am*)
Jamie Clancey, L.C.S.W.
Maria Eugenia Del Villar, L.C.S.W.
Michael Hayter, L.C.S.W., C.S.A.C.
Gloria Manns, L.C.S.W.
John Salay, L.C.S.W.

BOARD MEMBERS ABSENT: Joseph Walsh, Ph.D., L.C.S.W.

BOARD STAFF PRESENT: Latasha Austin, Licensing & Operations Manager
Christy Evans, Discipline Case Specialist
Jaime Hoyle, J.D., Executive Director
Jennifer Lang, Deputy Executive Director- Discipline
Charlotte Lenart, Deputy Executive Director- Licensing
Jared McDonough, Administrative Assistant
Sharniece Vaughan, Licensing Specialist

DHP STAFF PRESENT: David Brown, D.C., Director, Department of Health Professions
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

BOARD COUNSEL PRESENT: James Rutkowski, Assistant Attorney General

VIRTUAL PUBLIC ATTENDEES: Joseph G. Lynch, L.C.S.W., Virginia Society for Clinical Social Work
Jerry Gentile
Sue Rowland

CALL TO ORDER: Dr. Paulson called the virtual board meeting to order at 10:02 a.m.

ROLL CALL/ESTABLISHMENT OF A QUORUM: Dr. Paulson requested a roll call. Ms. Hoyle announced that seven members of the Board were present at roll call; therefore, a quorum was established. Ms. Hoyle also conducted a roll call of Board and agency staff.

MISSION STATEMENT: Ms. Hoyle read the mission statement of the Department of Health Professions, which was also the mission statement of the Board.

ADOPTIONS OF AGENDA: Ms. Clancey made a motion, which Mr. Aguirre properly seconded, to adopt the agenda as presented. Ms. Hoyle conducted a roll call vote. With seven members present at the time of roll call, the motion passed with seven unanimous votes in favor of the motion.

APPROVAL OF MINUTES:

Ms. del Villar made a motion, which Ms. Clancey properly seconded, to approve the meeting minutes from the Virtual Board Meeting held on September 25, 2020.

Ms. Hoyle conducted a roll call vote. With seven members present at the time of roll call, the motion passed with seven unanimous votes in favor of the motion.

PUBLIC COMMENT:

There was no public comment.

AGENCY REPORT:

Dr. Brown informed the Board about the rapidly changing landscape of marijuana in Virginia. The Department of Health Professions has been a part of several workgroups regarding these changes. One led by the Secretary of Agriculture on adult use recreational marijuana, the second led by the Secretary of Health on medical marijuana and the third led by the Joint Legislative Audit and Review Committee. The Board of Pharmacy has the ability to issue up to five permits for Pharmaceutical Processors to allow medical marijuana products to be distributed in Virginia. Three of the facilities have opened, a fourth facility is getting ready to open, and a fifth permit is currently available for facilities to apply for. Dr. Brown informed the Board that the Governor has endorsed moving Virginia forward with legalizing the adult recreational use of marijuana and that he expects that there will be several bills this upcoming legislative session related to laying the framework for movement.

Dr. Brown also provided the Board with updates on the upcoming Legislative short session which will be conducted virtually and last 30 days. Dr. Brown informed the Board no bills presented by the Department of Health Professions were approved by the Governor to move forward for the upcoming session as they were not deemed urgent.

Lastly, Dr. Brown informed the board that vaccines are on the horizon and that Dr. Allison-Bryant has been working with Department of Health on how to administer the vaccine once it is available.

BOARD CHAIR REPORT:

Dr. Paulson reported that as the new chair she is looking forward to a very productive year. For the year 2021, the Board is tasked with review of Code and Regulations. She would like the Board to continue to review questions related to the LMSW and would like to revisit the issue regarding LMSW rather than Registration be the prerequisite for LCSW licensure.

BOARD COUNSEL REPORT:

There was no report from Board Counsel.

LEGISLATION & REGULATORY ACTIONS:

Ms. Yeatts reported on the three on-going regulatory actions for the Board of Social Work. A copy of the current actions were included in the agenda packet. Ms. Yeatts advised that the action to changes to the supervision requirements is now in the Secretary's office.

Ms. Yeatts discussed with the Board the action needed on the Final Regulations for Conversion Therapy. Ms. Yeatts explained that the Board could adopt the final amendments to prohibit conversation therapy or they could amend the draft regulations as provided in the agenda packet.

Mr. Aguirre made a motion, which Ms. Clancey properly seconded, to adoption final regulations as amended on conversion therapy.

Quarterly Board Meeting Minutes Virginia Board of Social Work
Ms. Hoyle conducted a roll call vote. With seven members present at the time of roll call, the motion passed with seven unanimous votes in favor of the motion.

Ms. Yeatts also discussed with the Board the Petition for Rule Making that was provided in the agenda packet to toll or pause the time limit on completion of supervised experience during the emergency declaration.

Under current regulations, an individual who is unable to complete the supervision requirements within four consecutive years is able to request an extension of up to 12 months. In the past few months, the Board has received 10-12 such requests and all have been granted. A supervisee should be able to complete supervision within two years, so the Board believes the 12-month extension in addition to four years should be sufficient.

Ms. Clancey made a motion, which Mr. Hayter properly seconded, to take no action on the petition at this time.

Ms. Hoyle conducted a roll call vote. With seven members present at the time of roll call, the motion passed with seven unanimous votes in favor of the motion.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle reported on the finances of the Board. A copy of the report provided was included in the agenda packet. Over all Ms. Hoyle reported that the Board has saved money by going virtual.

Ms. Hoyle reported that she attended the ASWB Annual Conference, which was held the week before Thanksgiving and the meeting was held virtually. After the meeting ASWB sent a questionnaire to all Boards wanting to know if jurisdictions are interested in pursuing a Compact.

Ms. Hoyle also informed the Board that appointments and re-appointments to the Board have not officially been announced at this time and hopes to hear soon.

DISCIPLINE REPORT:

Ms. Lang reported on the disciplinary statistics for the Board of Social Work from September 4, 2020 - November 26, 2020. A copy of the report given was included in the agenda packet. Ms. Lang informed the Board that Informal Conferences are currently being held virtually. Respondents are being given the option for their Conference to be held virtually or in-person and that virtual conferences are required to be recorded and posted on the Board's website. As of date, all respondents have opted for their conferences to be held virtually.

BOARD OFFICE & LICENSING REPORT:

Ms. Austin reported on licensure and examination statistics for the Board through November 30, 2020. A copy of the report given was included in the agenda packet.

REGULATORY COMMITTEE REPORT:

Mr. Salay informed the Board that there was no report from the Regulatory Committee.

BOARD OF HEALTH PROFESSIONS REPORT:

Mr. Salay informed the Board that there was no report from the Board of Health Professions.

I. Draft of Supervisory Contract

The Board reviewed the sample contract provided in the agenda packet. After review and much discussion, the Board suggested the following changes to the sample contract:

1. Personal Goals section should be deleted from the sample
2. Under the Responsibilities of the Supervisor section header add; “The following responsibilities may include but are not limited to”
3. Under Supervisor Duties Section, the area that addresses videotaping should be removed from contract or word-smithed
4. Under Responsibilities of the Supervisee, #8 should be changed from will refrain from directly billing to will not directly bill
5. Under Supervisee Duties Section, entire section should be word-smithed and the area that addresses videotaping should be removed from contract or word-smithed
6. Emergency Procedure section should be optional
7. Under Duration and Termination Section, language should be added indicating that supervisee must remain under supervision until licensed by the Board.
8. Supervisor Scope of Competence section should be optional
9. Additional Provisions, Agreement and/or Clarifications section should be optional

The Board also suggested that a disclaimer be added to the sample template Contract indicating that the Laws and Regulations still must be followed even if the sample provided is altered and does not list all the specific laws and regulations in the contract.

The Board suggested that the watermark should be removed from the sample contract when posted to the Board’s website and the title to the link of the document should be listed as “Sample Supervisee in Social Work Supervisory Contract”.

Ms. delVillar made a motion, which Ms. Clancey properly seconded, to accept the Sample Supervisee in Social Work Supervisory Contract with the suggested changes.

Ms. Hoyle conducted a roll call vote. With eight members present at the time of roll call, the motion passed with eight unanimous votes in favor of the motion.

II. Update on Supervisory Registry

Ms. Lenart provided the Board an update on the Supervisory Registry. Ms. Lenart indicated that the agencies I.T. Department has the registry ready to go. Staff has suggested that we wait until after the first of the new year to launch it. It was also suggested that information be provided on the Board’s website and via an email blast to licensee about the Supervisory Registry and the Sample Supervisee in Social Work Supervisory Contract at the same time.

III. Update on Advisory Board on Music Therapy and Reciprocity Report

Ms. Hoyle informed the Board that members of the Advisory Board on Music Therapy have been appointed. The Advisory Board on Music Therapy will hold its first meeting in February 2021.

Provided in the agenda packet was a copy of the Reciprocity Report that was submitted to Senator Stanley. Report was submitted with the help of Dr. Allison-Bryant and Ms. Yeatts. Ms. Hoyle informed the Board that no feedback has been provided at this time regarding the report that was submitted.

NEXT MEETING DATES:

Dr. Paulson announced that the next Regulatory Committee would be held on Thursday, March 11, 2021 and the next Board Meeting would be held on Friday, March 12, 2021.

ADJOURNMENT:

Dr. Paulson adjourned the December 4, 2020 virtual Board meeting at 12:10 p.m.

Dolores Paulson, Ph.D., L.C.S.W., Chair

Jaime Hoyle, Executive Director